

### **REMARKS**

Favorable consideration and allowance of the present application is respectfully requested.

Currently, claims 56-93, including independent claims 56, 73, and 87, are pending in the present application. Independent claim 56, for instance, is directed to a wound dressing adapted to cover and contact a wound. The wound dressing comprises a cationic aqueous hydrogel comprising an inherently antimicrobial quaternary amine acrylate polymer having a certain chemical formula. In one embodiment, for instance, the acrylate polymer may be formed from a monomer selected from the group consisting of acryloyloxyethyltrimethyl ammonium chloride, acryloyloxyethyltrimethyl ammonium methyl sulfate, acrylamidopropyltrimethyl ammonium chloride, acryloxyethyldimethylbenzyl ammonium chloride, and combinations thereof. The present inventors have discovered that the claimed hydrogel is able to absorb significant amounts of fluid or exudate from a wound or other skin surface abrasion. (Appl. pg. 10, ll. 1-4). In addition, the hydrogel may also maintain a wound in a moist condition that facilitates healing and enhances the cosmetic appearance of the wound as it heals. (Appl. pg. 10, ll. 12-14). Furthermore, the inherent antimicrobial properties of the hydrogel may also maintain or promote sterility and enhance healing when used on a wound.

In the Office Action, original claims 23-36 and 55 were rejected under 35 U.S.C. §112, second paragraph. Without commenting on the propriety of this rejection, Applicants simply note that the present claims are believed to satisfy all of the requirements of §112.

Further, in the Office Action, original independent claims 1 and 11 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,762,862 to Yada, et al. Yada, et al. is directed to a water-soluble acrylic cationic polymer utilized as a paper sizing agent, viscosity builder, waste-water treating agent, precipitant for ore, etc. (Col 1, ll. 13-16). However, Yada, et al. fails to disclose or suggest various limitations of newly added independent claim 56. For instance, claim 56 requires a wound dressing that is adapted to cover and contact a wound. The wound dressing includes a cationic aqueous hydrogel, which contains an inherently antimicrobial quaternary amine acrylate polymer. Nowhere does Yada, et al. disclose or suggest such a wound dressing being adapted to cover and contact a wound.

Nevertheless, it was stated in the Office Action (with respect to original independent claim 11) that reference to a "wound dressing" in the preamble is merely a recitation of purpose or use, and is not considered a claim limitation. However, when the preamble recites a limitation in the context of the entire claim, it should be read as if in the balance of the claim. (M.P.E.P. §2111.02). In this case, Applicants note that the phrase "wound dressing adapted to cover and contact a wound" acts as a limitation when read in the context of claim 56. Moreover, upon review of the entirety of the present application, it is evident that such a wound dressing is what the present inventors actually invented and intended to encompass in the present claims. Thus, for at least these reasons, Applicants respectfully submit that independent claim 56 patentably defines over Yada, et al.

In the Office Action, original independent claim 23 was also said to be allowable if amended to overcome the §112 rejection. Original claim 23 recited a device for the

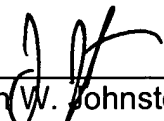
dressings of wounds comprising a "substrate" having fixedly attached thereto a wound dressing comprising a hydrogel. Similarly, new claim 73 recites a wound dressing comprising a "support structure" in communication with a hydrogel. Likewise, new claim 87 recites a wound dressing comprising a "support structure" affixed to a hydrogel. Yada, et al. fails to disclose or suggest these limitations of claims 73 and 87. Thus, Applicants respectfully submit that new claims 73 and 87 are additionally allowable for the same reasons that original claim 23 was considered allowable.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Yu is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

  
\_\_\_\_\_  
Jason W. Johnston  
Registration No.: 45,675

DORITY & MANNING, P.A.  
P.O. Box 1449  
Greenville, SC 29602-1449  
Phone: (864) 271-1592  
Facsimile: (864) 233-7342

Date: 6/30/03